

Fear and Anger: Mastering the Hidden Enemy

105 Min. - Telecourse DVD (New)
June 2005

This program focuses on dealing with fear, anger, stress, post-traumatic stress disorder (PTSD), depression, and critical incident management. The program goal is to ensure officer and public safety, exemplify model professional behavior, teach techniques to control and modify emotional reactions, and to enhance officers' control of situations-- from minor infractions to major crime fighting.

The Telecourse DVD offers three viewing options:

1. Play Telecourse in its entirety (105 min.)

2. Select among seven Telecourse segments:

- Introduction (19 min.)
- Stress Factors (12 min.)
- Handling Anger (13 min.)
- Real Life Heroes (17 min.)
- Dealing With Fear (4 min.)
- Understanding PTSD (24 min.)
- Adapting to Change (8 min.)

3. Select among six Interaction segments:

- The Finger Flinger (2 min.)
- Anger and Frustration (3 min.)
- Tale of Two Families (3 min.)
- Sgt. Marcus Young Incident (17 min.)
- Rush to Judgment (4 min.)
- Persistent Pursuit (6 min.)

POST Course Control Number: **xxxx-30001-xx033***
Telecourse Module Number: **05-06**
DVD Shipping Date: **06/30/05**
Reference Guide: **None**

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



50 Minutes - Quarterly Edition DVD
April 2005

Search & Seizure: Expectation of Privacy in Room Obtained by Fraud
with Daniel McNerney, Superior Court Judge, State of California
Persons have a reasonable expectation of privacy in their hotel room. However, if the room is obtained by fraud, that expectation is no longer reasonable. *Cases cited: U.S. v. Cunag- (2004) 12422; Rakas v. Illinois (1978) 439 U.S. 128. (8:46)*

Seizing Incriminating Evidence During Frisk
with Jeff Rubin, Alameda County District Attorney's Office
Under the "plain-feel" doctrine, an officer may seize an item during a frisk that the officer immediately recognizes as being of an incriminating character—even if the item is not a weapon or contraband. However, there must be probable cause to believe the item is evidence of a crime at the moment of the search. *Cases cited: In re Lennies H. (2005) 25 Cal.Rptr.3d 13; Minnesota v. Dickerson (1993) 508 U.S. 366. (11:00)*

CVC §2800-2(a): Felony Evasion
with William Bedsworth, Justice of the Court of Appeal, State of California
California Vehicle Code §2800-2(a) criminalizes evasion of a pursuing police officer with "willful or wanton disregard for the safety of persons or property." Section (b) of that statute provides that proof of three or more "one-point" violations constitutes willful or wanton disregard for safety. Justice Bedsworth examines the statute in the light of *Diaz*, which sets out an interesting limitation on what constitutes a one-point violation for purposes of this law. *Case cited: People v. Diaz (2005 DJAR 1033)(January 28, 2005). (6:35)*

The Official Channels/Collective Information Rule
with Jeff Rubin, Alameda County District Attorney's Office
Officers may reasonably rely on information received from other members of law enforcement in making detentions, arrests, and searches. However, this does not mean officers may justify actions based on information known to other members of law enforcement which have not been communicated. This video explores the difference between these two concepts. (4:58)

Knock-Notice: Do You Have to "Knock"?
with Daniel McNerney, Superior Court Judge, State of California
The four key elements to the "Knock-notice" rule are: 1) Announce your presence, 2) Advise occupants of your purpose, 3) Request/demand entry, and 4) Give occupants sufficient time to respond before forcing entry. *Cases cited: U.S. v. Combs (2005) DAR 349; U.S. v. Spikes (1998) 158 F3d 925. (8:05)*

Detaining and Questioning Occupants While Executing Warrant
with Jeff Rubin, Alameda County District Attorney's Office
Police serving a warrant for deadly weapons and evidence of gang membership may detain occupants in handcuffs; no additional reasonable suspicion the occupants are dangerous or are involved in criminal activity is required. The occupants may be asked questions about their identity, including their immigration status, as a matter of course. *Cases cited: Muehler v. Mena (2005) DJAR 3332; Michigan v. Summer (1981) 452 U.S. 692. (9:51)*

Case Law Today programs are released quarterly on a single DVD containing up to three months (18 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.



55 Minutes - Quarterly Edition DVD
May 2005

Automobile Repossession: Your Job?

with William Bedsworth, Justice of the Court of Appeal, State of California

The case of *Meyers v. Rovetta* describes the kind of ugly mess police are called upon to sort out every day. It's a 3 a.m. auto repossession that turns into a free-for-all between the repo-man, the new mother who owns the car and the elderly mother of the car owner. Everybody gets scratched, bruised, and angry and then the cops are called to sort it all out. Justice Bedsworth explains what police can and cannot do in an automobile repossession situation. *Case cited: Meyers v. Rovetta* (2005 Daily Journal DAR 2923). (9:12)

Exigent Circumstances Searches Where Child Missing

with Jeff Rubin, Alameda County District Attorney's Office

This video discusses the factors that went into upholding various searches conducted by the police of a suspected child killer's apartment and car under the exigent circumstances exception. Entries based on implied and express consent are also discussed. *Case cited: People v. Panah* (2005) 35 Cal.4th 395. (16:45)

Detention: Does Transporting to New Location Constitute An Arrest?

with Daniel McNeerney, Superior Court Judge, State of California

Officers may transport a detainee to a different location when reasonably necessary to complete the purpose of the detention without elevating the contact to an arrest. *Cases cited: In re Carlos M.* (1990) 220 CA3 372; *Florida v. Royer* (1983) 460 U.S. 491; *Gallegos v. City of Los Angeles* (2002) 308 F.3d 987; *U.S. v. Charley* (2005) DAR 1455. (6:50)

Implied Miranda Waivers and Spontaneous Statements

with Jeff Rubin, Alameda County District Attorney's Office

Although it is better to get an express waiver of *Miranda* rights, a valid waiver may be implied where the suspect freely speaks with the officers after being advised of his rights. Spontaneous statements made by a suspect in response to police actions "normally attendant to arrest and custody," such as having the suspect identified, are admissible even absent a *Miranda* warning. *Case cited: United States v. Younger* (9th Cir. 2005) 398 F.3d 1179. (7:35)

Search of Clothing in a Public Place

with William Bedsworth, Justice of the Court of Appeal, State of California

People v. Juan involves an unusual issue: Can an officer search clothing left in a public place? This is not the type of thing that comes up a lot, but it came up in Orange County just a few weeks ago, and Justice Bedsworth discusses that case and *People v. Juan* in explaining that the answer is, "Yes, you can search clothing left behind in a public place." *Case cited: People v. Juan* (1985) 175 Cal. App. 3d 1065. (6:31)

Overzealous Seizure of Indicia Can Be Unconstitutional

with Jeff Rubin, Alameda County District Attorney's Office

Seizing motorcycles, a mailbox, a refrigerator door and a cement portion of a driveway (necessitating significant property destruction) as indicia of gang membership was an unreasonable seizure where numerous other items of indicia had been seized and the evidence would only be used to support a gang enhancement—even though the warrant allowed for the seizure of "any" evidence of gang membership. *Case cited: San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose* (2005) 402 F.3d 962. (9:26)

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50 Minutes - Quarterly Edition DVD
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Miranda: Re-Advisement After Break in Interrogation

with Daniel McNerney, Superior Court Judge, State of California

Re-advisement of Miranda rights are generally not required when interrogation is renewed after break or recess. *Cases cited: Guam v. Dela Pena* (1995) 72 F3d 767; *U.S. v. Andraverde* (1995) 64 F3d 1305; *Puplampu v. U.S.* (1970) 442 F2d 870; *U.S. v. Rodriguez* (2005) DAR 2624. (6:48)

Killing Dogs During Service of Warrant

with Jeff Rubin, Alameda County District Attorney's Office

Officers violated the Fourth Amendment by killing homeowners' dogs during the service of a warrant where the officers knew dogs would be present long before service of the warrant and inadequate plans were made for dealing with the dogs in advance. *Case cited: San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose* (2005) 402 F.3d 962. (11:38)

Search and Seizure: Expectation of Privacy in Property By Fraud or Theft

with Daniel McNerney, Superior Court Judge, State of California

Although criminals may harbor an expectation of privacy in property obtained by theft or fraud, such expectation is not "reasonable." *Cases cited: Smith v. Maryland* (1979) 442 U.S. 735; *Rakas v. Illinois* (1978) 439 U.S. 128; *U.S. v. Cunag* (2004) 386 F3d 888; *U.S. v. Caymen* (2005) 404 F3d 1196. (6:40)

Warrantless Searches of Commercial Businesses

with Jeff Rubin, Alameda County District Attorney's Office

Although searches of commercial businesses generally require a warrant, there are two exceptions: the "open to the public" exception and the "closely regulated industry" exception (aka the "administrative search" exception). This video focuses on a recent case involving a search done pursuant to Vehicle Code section 2805 in order to illustrate the differences between these exceptions. *Cases/Statutes cited: People v. Potter* (2005) 128 Cal.App.4th 611; *People v. Roman* (1991) 227 Cal.App.3d 674; *People v. Calvert* (1993) 18 Cal.App.4th 1820; Veh. Code, § 2805. (8:58)

Miranda: Unambiguous Invocation

with Daniel McNerney, Superior Court Judge, State of California

A suspect who invokes his/her Miranda right to silence or counsel must do so in a "clear and unambiguous" manner. *Cases cited: U.S. v. Davis* (1994) 512 U.S. 452; *People v. Wash* (1993) 6 CA4 215; *In re Joe R.* (1980) 27 C3d 1213; *People v. Stitley* (2005) 35 C4th 514; *People v. Turnage* (1975) 45 CA 3d 237. (8:52)

Emergency Entry to Investigate Domestic Violence

with Jeff Rubin, Alameda County District Attorney's Office

Officers may enter a home under the "emergency exception" where they have reasonable grounds to believe an emergency is at hand, their immediate help is needed to protect life or property, the officers' intent is primarily motivated by the emergency, and there is probable cause to believe the place entered is associated with the emergency. The exception was held to apply where police responded to an interrupted 911 call regarding an "out-of-control male" at a home where domestic violence had previously occurred, a female was outside crying but not injured, and somebody was yelling inside the house. *Case cited: United States v. Martinez* (9th Cir. 2005) DJDAR 5611. (6:53)

More Information

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